

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

Municipal Administration and Urban Development Department–Greater Hyderabad Municipal Corporation Establishment - Regularization of the services of Sri G.Amarasimha Reddy, NMR in terms of G.O.Ms.No.212, Finance (PC.III) Department, Dated 22.04.1994 - Permission accorded– Orders issued.

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MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT (F) DEPARTMENT

G.O.Rt.No. 1350

Dated:31.08.2013  
Read the following:-

- 1.G.O.Ms.No.212, Finance PC.III) Department, Dated 22.04.1994.
- 2.From the Commissioner, GHMC, Letter No.791/B3/LWS/GHMC/ 2011/856, Dated:19.08.2011.
3. Govt. Memo.No.17345/F1/2011-2, Municipal Administration & Urban Development (F) Department, dated:01.10.2011.
- 4.From the Assistant Registrar, APAT, Hyderabad, Orders dated 31.05.2012 in O.A.No.10048 of 2011 read with Corrigendum dated 12.06.2012.
- 5.From the Commissioner, GHMC, Letter No.791/B3/LWS/GHMC/ 2012, dated 2049, dated 13.12.2012.
- 6.From the Assistant Registrar, High Court of A.P., Hyderabad, Orders dated: 06.04.2013 in W.P.No.6804 of 2013.
7. From the Hon'ble Supreme Court of India, New Delhi, Orders dated 19.07.2013 in Special Leave Petition (Civil) No.22095 of 2013.
8. From the Assistant Registrar, APAT, Hyderabad, Notice for Personal Appearance of Prl. Secretary on 22.07.2013 in C.A. No.1838/2012 in O.A.No.10048/2011.

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O R D E R:

In the G.O. 1<sup>st</sup> read above, Government have issued orders formulating the scheme for regularization of services of Daily Wage/NMR/Consolidated pay employees is made stature in Act-2 of 1994 and Act-27 of 1998 and the same was also upheld by the Hon'ble Supreme Court of India in Civil Appeal No.3702/2006 and batch Dated 06.07.2009 and no relaxation is permissible to the said scheme.

2. In the reference 2<sup>nd</sup> read above, the Commissioner, Greater Hyderabad Municipal Corporation, Hyderabad has informed that, as per the educational certificates submitted by Sri G.Amarasimha Reddy, his date of birth is 04.10.1971. Even though, if it is taken into account that the individual is working since 01.06.1988 as NMR, his age was (16) years (7) months and (27) days at the time of his appointment as per the date of birth in the SSC Certificate and he would have completed the age of (18) years on 03.10.1989 only. In terms of the orders issued in G.O.Ms.No.212, Finance (PC.III) Department, dated 22.4.1994, the eligibility criteria for regularization of service of NMR's is that, one must have put in (5) years of service as on 25.11.1993. In this particular case, the individual has put in only (4) years (1) month and (22) days service after deducting the boy service rendered by the individual, hence the individual is not entitled for regularization of service in terms G.O.Ms.No.212 Finance (PC.III) Department, dated 22.04.1994 and requested the Government to issue necessary orders in the matter.

3. After examine the issue, Government have decided that, the services of Sri G. Amarasimha Reddy, NMR working in the O/o. the Assistant Director, Horticulture Wing, GHMC cannot be regularized, as he has not rendered a continuous service of 5 years as on the cut-off date i.e., 25.11.1993 as per G.O.Ms.No.212, Finance and Planning Department, dated 22.04.1994. Accordingly, the Commissioner, GHMC has been informed vide Govt. Memo.No.17345/F1/2011-2, Dt. 01.10.2011.

4. Aggrieved by the same, the individual was filed a O.A.No.10048/2011 and the Hon'ble APAT in its orders dated 31.05.2012 read with the corrigendum on 12.06.2012 by setting aside the impugned Memo No.17345/F1/2011-2, dated 01.10.2011 and Proceedings No.791/LWS/B3/GHMC/2011/1147 dated 3.1.2011 and directed the respondents to regularize the services of the applicant as per G.O.Ms.No.212, Finance and Planning Department, dated 22.04.1994 from the date of initial appointment of the applicant as he has completed 5 years of service by the cut off date i.e., 25.11.1993 and pass appropriate orders within a period of 6 weeks from the date of receipt of copy of the order, in the reference 4<sup>th</sup> read above.

[P.T.O.]

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5. In the reference 5<sup>th</sup> read above, the Commissioner, GHMC, Hyderabad has furnished the proposal informing that, (2) posts of Public Health worker posts are vacant in Secunderabad, Circle No.18, GHMC vacancy caused due to retirement of Sri K.Krupaiah, PHW and Sri Odaiah, Mali and request the Government to issue suitable orders.

6. As directed by the Government, the Commissioner, GHMC has filed a Writ Petition No.6804/2013 in the A.P. High Court, with a plea to suspend the operation of order dated 31.05.2012 passed in O.A.No.10048/2011 Dated 31.05.2012 and the Hon'ble Court has dismissed the same on 26.04.2013, directing to regularize the service of applicant in O.A.No.10048/2011 as directed by the Hon'ble APAT, within a period of 6 weeks from the date of orders in the reference 6<sup>th</sup> read above.

7. A Special Leave Petition (Civil) No.22095 of 2013 has been filed by the Commissioner, GHMC, Hyderabad before Hon'ble Supreme Court of India and the same has been dismissed on 19.07.2013 and granted six (6) weeks time for implementation of the APAT orders dated 31.05.2012 in O.A.No.10048/2011.

8. The Hon'ble APAT, Hyderabad in C.A.No.1838 of 2012 in O.A.No.10048/2011 which came up for hearing on 22.07.2013 for Personal Appearance of Prl. Secretary, have given six (6) weeks time for implementation of its orders dated 31.05.2012.

9. Government after careful examination of the matter in consultation with the Finance Department which advised to take necessary action in accordance with Rule of Business vide their U.O.No.21095/180/A1/PC-III/2013, Dated:07.08.2013, hereby accord permission to the Commissioner, Greater Hyderabad Municipal Corporation, Hyderabad to regularize the services of Sri G. Amarasimha Reddy (NMR), GHMC, Hyderabad in the proposed vacancy in the category of Public Health Worker, in terms of G.O.Ms.No.212, Finance (PC.III) Department, dated 22.4.1994, duly considering his boy service (i.e., 10 months and 8 days), as he was born on 04.10.1971 and was engaged as NMR on 01.06.1988 and has not rendered the required service of Five (5) years after attaining the age of 18 years as on 25.11.1993, so as to enable him to implement the orders of APAT in O.A.No.10048/2011, dated 31.05.2012 in view of the orders in C.A.No.1838 of 2012 in O.A.No.10048/2011, as the SLP No.22095/2013 filed in the matter has already been dismissed by the Hon'ble Supreme Court of India, New Delhi on 19.07.2013.

10. The Commissioner, Greater Hyderabad Municipal Corporation, Hyderabad shall take necessary action, accordingly.

11. This orders issues with the concurrence of Finance (PC.III) Department vide their U.O.No.21095/180/A1/PC-III/2013, Dated:07.08.2013.

[BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH]

ADHAR SINHA  
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Commissioner, Greater Hyderabad Municipal Corporation, Hyderabad.

Copy to:

The Government Pleader (Services) for MA&UD, APAT, Hyderabad wr.t. O.A.No.10048/2011 and C.A.No.1838/2012.

The Government Pleader for Services-I, High Court of A.P., Hyderabad for information w.r.t. W.P.No.6804/2013.

The Finance (PC.III) Department w.r.t. U.O.No.21095/180/A1/PC-III/2013, Dated:07.08.2013.

The P.S. to Chief Secretary to Government.

The P.S. to Principal Secretary to Government, (MA) Department.

The OSD to Minister (MA&UD).

The PS to Secretary to CM.

SF/SC

//Forwarded :: By Order//

SECTION OFFICER